

## **REMARKS**

Applicant responds hereby to the Final Office Action dated February 17, 2009. Claims 1 and 17 are amended hereby. Claims 11 and 15 were previously cancelled without prejudice or disclaimer of subject matter. Claims 1-10, 12-14, and 16-24 remain pending hereinafter, where Claims 1 and 17 are independent claims.

Favorable consideration and allowance of the claims of the present application are respectfully requested.

### **Response to rejections under 35 U.S.C. §103(a)**

The Examiner rejects Claims 1, 16-18, 20 and 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn (US Patent No. 7,050,807), Sylor et al. (US Patent Publication No. 2002/0186238 A1) (hereinafter “Sylor”) and Charnock et al., (US Patent Application Publication No. 2003/0182310) (hereinafter “Charnock”).

The Examiner alleges in the Final Office Action that an abstract resource description described at col. 3, line 60-col.4, line 5 of Osborn discusses “a Concrete Resource Model describing a desired resource structure” required in Claims 1 and 17. The abstract resource description in Osborn is a description representing constraints and interdependences of **only** hardware resources. Col. 3, lines 36-41 of Osborn describes, “an abstract resource specification that identifies hardware resource constraints and interdependencies”. Col. 3, lines 60-64 of Osborn also describes, “an abstract resource description including virtual hardware resource objects which identify application hardware requirements”. On the other hand, the Concrete Resource Model of the claimed invention is an object-relationship model representing a desired state of **hardware and software resources and their configuration**. Thus, to clearly

distinguish the Concrete Resource Model of the claimed invention over the abstract resource description/specification of Osborn, Claims 1 and 17 are being amended to recite, “a Concrete Resource Model describing a desired resource structure of hardware and software resources and configuration of said resources, said Concrete Resource Model having nodes and edges”. The added subject matter is supported at paragraphs [0007]-[0008] of the Applicants’ corresponding Pre-Granted Publication US 2005/0177600 A1. Therefore, no new matter is entered. As described above, Osborn discusses an abstract resource description/specification representing constraints, interdependencies or requirements of only hardware resources. On the other hand, amended Claims 1 and 17 requires “a Concrete Resource Model describing a desired resource structure of hardware and software resources and configuration of said resources”. Therefore, Osborn fails to teach or suggest amended Claims 1 and 17.

Neither Sylor nor Charnock teaches or suggests “a Concrete Resource Model describing a desired resource structure of hardware and software resources and configuration of said resources” required in amended Claims 1 and 17. A combination of Osborn, Sylor and Charnock also fails to teach or suggest “a Concrete Resource Model describing a desired resource structure of hardware and software resources and configuration of said resources” required in amended Claims 1 and 17. Therefore, amended Claims 1 and 17 are patentably distinct over Osborn, Sylor and Charnock, whether alone or in a combination of them.

The Examiner alleges that col. 4, lines 23-65 of Osborn discusses “a first resource is a federation of other resources including a second resource” required in previously presented Claims 1 and 17. In response, Claims 1 and 17 are being amended to delete “a first resource is a federation of other resources including a second resource”. However, Osborn, Sylor and Charnock, whether alone or in a combination of them, fails to teach or suggest “said type of said

relationship comprising one or more of: a first resource is a runtime container for a second resource, and a first resource includes a second resource and the first resource is a set of homogeneous resources” required in Claims 1 and 17. Therefore, amended Claims 1 and 17 are patentably distinct over Osborn, Sylor and Charnock, whether alone or in a combination of them.

Claims 16 and 20-21 depend on Claim 1 and are patentable herewith. Claim 18 depend on Claim 17 and is patentable herewith. Thus, the Examiner is respectfully requested to withdraw the rejection on Claims 1, 16-18, 20 and 21 under 35 U.S.C. § 103(a).

Examiner rejects Claims 2, 3, 7, 8, 19 and 22-24 under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn, Sylor and Charnock and in a further view of Porter et al. (US Patent No. 6,332,023) (hereinafter “Porter”).

Claims 2, 3, 7, 8, 19 and 22-23 depend on Claim 1 and are patentable herewith.

Regarding Claim 24, the Examiner alleges that col. 6, line 65-col.7, line 25 and Figure 8 of Osborn discusses subject matter of Claim 24. Claim 24 recites, “the at least one provisioning action is performed on the matching Resource Instance Service to change the value of the attribute in the matching Resource Instance Service”. On the other hand, col. 6, line 65-col.7, line 25 of Osborn describes that a hardware resource manger identifies hardware resources by hardware resource identifiers and that the hardware resource manager identifies relationships among hardware resources by association labels. Figure 8 of Osborn illustrates that each device is characterized by a list of attributes and association labels. However, col. 6, line 65-col.7, line 25 and Figure 8 of Osborn fails to teach or suggest changing a value of an attribute in a matching Resource Instance Service required in Claim 24. Thus, Osborn fails to teach or suggest subject matter of Claim 24. Each of Sylor, Charnock, and Porter also fail to teach or suggest subject matter of Claim 24. A combination of Osborn, Sylor, Charnock and Porter neither teaches nor

suggests subject matter of Claim 24. Thus, Claim 24 is patentably distinct over Osborn, Saylor, Charnock, Porter whether alone or in a combination of them.

Thus, the Examiner is respectfully requested to withdraw rejections on Claims 2, 3, 7, 8, 19 and 22-24 under 35 U.S.C. §103(a).

Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Osborn, Saylor, Charnock, and Porter in a further view of Tulpule et al. (US Patent No. 4,980,824) (hereinafter “Tulpule”).

Claims 4 and 5 depend on Claim 1 and are patentable herewith.

Examiner rejects Claim 6 as allegedly being unpatentable over Osborn, Saylor, Charnock, Porter and Tulpule in a further view of Jenner (US Patent No. 4,648,031) (hereinafter “Jenner”).

Claim 6 depends on Claim 1 and is patentable herewith.

Examiner rejects Claims 9 and 10 as allegedly being unpatentable over Osborn, Saylor and Charnock and in a further view of Glasmann et al. (US Patent Application Publication No. 2004/0128397 A1) (hereinafter “Glasmann”).

Claims 9 and 10 depend on Claim 1 and are patentable herewith.

Examiner rejects Claim 12 as allegedly being unpatentable over Osborn, Saylor and Charnock, and in a further view of Chellis et al. (US Patent No. 6,901,446 B2) (hereinafter “Chellis”).

Claim 12 depends on Claim 1 and is patentable herewith.

Examiner rejects Claims 13 and 14 as allegedly being unpatentable over Osborn, Saylor and Charnock, and in a further view of Newman et al. (US Patent No. 5,151,984) (hereinafter “Newman”).

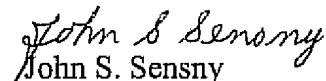
Claims 13 and 14 depend on Claim 1 and are patentable herewith.

### **Conclusion**

Thus, the Examiner is respectfully requested to consider Claims 1-10, 12-14, and 16-24 in light of the distinctions described in the above remarks, to allow these claims to proceed to issuance, which action is respectfully solicited.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

  
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